

Message Text

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ACTION EA-10

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FM AMEMBASSY MANILA

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C O N F I D E N T I A L MANILA 13185

E.O. 11652: GDS

TAGS: OCON

SUBJECT: WORLD PEACE THROUGH LAW CONFERENCE - CHIEF JUSTICE

CASTOR'S SPEECH

1. AT DINNER FOR DELEGATES IN GLITTERING PHILIPPINE INTERNATIONAL CONVENTION CENTER ON AUGUST 21, PHILIPPINE SUPREME COURT CHIEF JUSTICE CASTRO DELIVERED FORMAL ADDRESS ENTITLED, "HUMAN RIGHTS IN THE PHILIPPINES." ADDRESS WAS CENTERED ON DEFENSE AND JUSTIFICATION OF MARTIAL LAW PHILIPPINE STYLE. TEXT BEING POUCHED TO EA/PHL.

2. AFTER NOTING CONVERGENCE OF ROMAN AND ANGLO-SAXON LAW IN THE PHILIPPINES AND REFERENCE TO THE THIRD GREAT LAW SYSTEM, THE ISLAMIC, WHICH IS RECOGNIZED, RESPECTED AND ALLOWED TO OPERATE HERE, ADDRESS TURNS TO MAJOR SUBJECT:

QUOTE - MARTIAL LAW, A WESTERN CONCEPT THAT ENTERED OUR JURISPRUDENCE AND OUR CONSTITUTION THROUGH THE UNITED STATES FROM ITS ANGLO-SAXON ORIGINS, HAS BEEN IMPOSED AND ADMINISTERED HERE WITH A BENIGNITY AND A GRACE THAT HAVE CONFUSED AND CONFOUNDED BOTH HOSTILE AND FRIENDLY OBSERVER." END QUOTE

3. MARTIAL LAW IN THE PHILIPPINES IS DESCRIBED AS NOT ONLY
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FOR TRADITIONAL PURPOSES, E.G., TO QUELL A RIOT, TO SUPPRESS ANARCHY AND OVERCOME REBELLION, BUT ALSO TO EXTIRPATE THE ILLS AND CONDITIONS WHICH SPAWNED THE DISORDERS. MARTIAL LAW IN THE PHILIPPINES IS CITED AS DIFFERING FROM MARTIAL LAW ANYWHERE ELSE IN THE WORLD IN THE STRICT OBSERVANCE HERE OF THE PRIMACY OF CIVILIAN RULE, MILITARY CONSCIOUSNESS OF RIGHTS OF CITIZENS,

SEVERE PROHIBITION OF SUMMARY EXECUTIONS BY THE MILITARY,
SIDE-BY-SIDE FUNCTIONING OF MILITARY AND CIVILIAN COURTS
WITH REVIEW OF MILITARY TRIBUNALS BY HIGHEST CIVILIAN
TRIBUNAL.

4. "CONSTITUTIONAL AUTHORITARIANISM" IS PRESENTED AS
THE PRECISE LEGAL DESCRIPTION OF SITUATION HERE WHICH
CONFUSES WESTERN LAYMEN. A NATIONAL LEADER UNDER A
REGIME OF CONSTITUTIONAL AUTHORITARIANISM NEED NOT BE A
DICTATOR IF HE SWEARS AND ABIDES BY THE CONSTITUTION.
OBVIOUSLY REFERRING TO PRESIDENT MARCOS, CASTRO RHETORICALLY
ASKED, WHAT DICTATOR EVER ALLOWED HIS ACTIONS TO BE
CHALLENGED BEFORE AND RULED ON BY COURTS; OR HAS KEPT
THE MILITARY ON LEASH TO PREVENT DECIMATION OF NATIONAL
MINORITY THAT LAUNCHED A SECESSIONIST REBELLION AND
HUMBLED HIS PERSON TO RETRIEVE MINORITY BACK IN THE BODY
POLITIC; OR HAS VOLUNTARILY SURRENDERED POWER OF REVIEW
OVER DECISIONS OF MILITARY TRIBUNALS TO COURTS OF LAW;
OR HAS CONTINUOUSLY CONSULTED WITH HIS PEOPLE THROUGH
PERIODIC REFERENDA?

5. CASTRO ASSERTED THAT PHILIPPINES HAS OBSERVED WITH
SOLICITUDE HUMAN RIGHTS AS DEFINED BY SECSTATE VANCE
IN APRIL 30 ATHENS, GEORGIA ADDRESS. "HUMAN RIGHTS
OCCUPY THE HIGHEST PLACE IN THE SCALE OF VALUES OF THE
FILIPINO PEOPLE, AND, EVEN UNDER THE REGIME OF MARTIAL
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LAW, THEY HAVE NOT BEEN DISLODGED." REFERENCE WAS THEN
MADE TO EARLY AMERICAN YEARS AND NORMAL COUSINS' ACCOUNT
OF REPRESSIVE EMERGENCY MEASURES WHICH COUNTRY OUTGREW.

6. CASTRO THEN REASONED:

QUOTE- WHEN MARTIAL LAW WAS PROCLAIMED IN 1972 IN
THE PHILIPPINES, THE COUNTRY WAS BESET BY A WELL-ARMED
SECESSIONIST MOVEMENT, POLITICAL ANARCHY AND ECONOMIC
STAGNATION AND A REBELLION OF NATIONWIDE PROPORTIONS.
THESE HAD PROLIFERATED BECAUSE OF WIDESPREAD POVERTY AND
THE PERVASIVE INJUSTICES AND EXCESSES COMMITTED BY LAND-
OWNERS AND BY POLITICIANS AGAINST A GREAT NUMBER OF OUR
COUNTRYMEN. THE HOST OF LEGISLATION ENACTED AFTER THE
PROCLAMATION OF MARTIAL LAW INVOLVED THE DISMANTLING OF
THE SOCIAL AND POLITICAL ARRANGEMENTS THAT PROVIDED THE
CAUSES FOR SOCIAL UNREST. THE MEASURES TAKEN WERE IN
THEMSELVES AND IN EFFECT HUMAN RIGHTS MEASURES. END QUOTE.

7. ADDRESS THEN NOTED THAT REPUBLIC OF THE PHILIPPINES
HAD OPTED FOR FREE ENTERPRISE INSTEAD OF COMMUNISM AND
CALLED UPON DEVELOPED COUNTRIES TO BE MORE GENEROUS IN

SHARING WEALTH AND TECHNOLOGY.

8. THE LARGELY FILIPINO AUDIENCE REACTION WAS FAVORABLE. SEVERAL FILIPINOS COMMENTED ON WHAT A GOOD SPEAKER CASTRO WAS AND HOW WELL HE USED ENGLISH. A PROMINENT FILIPINO ATTORNEY, HOWEVER, QUESTIONED, "WHAT IS THIS, WORLD MARTIAL LAW DAY?" A SWISS REMARKED THAT THE LOGIC WAS INTERESTING BUT THE SUBSTANCE INAPPROPRIATELY NATIONAL.

9. COMMENT: PREDICTABLY, THE CONFERENCE HOSTS ARE TURNING THE AFFAIR INTO A CASE FOR THE DEFENSE. STULL

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